THE LAND ACQUISITION (AMENDMENT) BILL, 1984

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): Now we shall take up the Land Acquisition (Amendment) Bill, 1984. The hon. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): Sir, I beg to move:

> "That the Bill further to amend the Land Acquisition Act, 1894, as passed by the Lok Sabha, be taken into consideration."

As you know, Sir, the Land Acquisition Act which was enacted in 1894, has fallen out of step with the contemporary social and economic reality. Compensation is paid to land-owners and other interested parties on the basis of the market value of the land as it was on the date of the issue of the preliminary notification under section 4(1) of the Act. Since there is no time-limit prescribed under the Act for completion of acquisition proceedings, it takes several years for an ordinary land acquisition proceeding to be completed, and the price of land in the open market keeps continuously rising. Land-owners have naturally felt aggrieved at having to part with their land at a price which has ceased to be realistic and which often deprives them of their only means of livelihood. With the increasing pressure of competing demands upon the limited land resources which cannot be augmented to any significant extent, one has to be more circumspect in taking over land, particularly good agricultural land, for different uses subserving public interest. At the same time, it is obvious that with the enormous expansion of the State's role in promoting public welfare and economic development, acquisition of land for public purposes will continue to be an inescapable necessity. It is necessary that a proper balance is struck between the need for acquisition of land for public purposes and the rights of the individual whose land is acquired.

The imperatives of a society in transition from the pre-industrial to the industrial era being what they are, particularly in a situation in which the State has taken up the role of the prime initiator of the industrialisation and modernisation process, it is inevitable that land will continue to be acquired increasingly for various purposes which subserve the interest of the community. But special care has to be taken to ensure that the interest of the week and the poor is not overlooked in our concern for modernisation and industrialisation. Equity demands that those who lose as a result of acquisition of their land, often the only source of their livelihood, for the larger interest of the community, must be provided with the necessary wherewithals of rehabilitation.

The Bill that I have the pleasure of moving for consideration of this august House today represents a harmonious blend of the interests of the individual and the community.

I would now like to mention some of the important provisions of the Bill which reflect this harmony. In the present Land Acquisition Act there is no time-limit prescribed for making the award of the Collector. The Bill now seeks to provide for a two-year mandatory period within which the Collector has to give his award after the declaration under section 6, sub-section 1. No power has been given to the appropriate government or anybody else to grant any extension of time beyond this period. Should the Collector fail to make his award within this period, the entire proceedings will lapse, thereby necessitating initiation of fresh proceedings right from the stage of the preliminary notification under section 4, sub-section 1. This discipline of a time frame is likely to ensure timely completion of most acquisition proceedings to the benefit of the land-owner as well as the parties for whom land is going to be acquired In the exceptional circumstances in which the time-limit may not be adhered to, the provision for the lapse of the proceedings will ensure that the land-owners are not made to part with their land for a compensation which has ceased to be realistic because of too long a time-lag. While

the time frame within which the Collector has to give his award is unalterable, there is no guarantee that interested parties will not go to the Court of law seeking its intervention before the award of the Collector. This may lead to prolongation of proceedings beyond the mandatory period about which the Collector or the implementing authority can do precious little. This additional period is not to be counted towards the two year time limit provided for the Collector to make his award. It is hoped that considering the rational provisions made in the Bill to obviate avoidable delay and the resultant hardship to interested parties, it should be possible to avoid in most cases litigation in the Court of law before the award of the Collector.

Sir, I have already mentioned about the fact that determination of compensation on the basis of the market value of the land, as it was on the date of the issue of the preliminary notification under Section 4, Sub-section 1, makes payment of compensation unrealistic when there is a long time lag between the issue of the preliminary notification and the award of the Collector. Some persons have, therefore, demanded that compensation should be determined with reference to a date later than the date of the preliminary notification. Sir, the pitfalls of this suggestion are too obvious for me to expatiate on them. While we are determined to ensure that land owners get fair compensation, no law can possibly leave room for abuse of its provisions for the personal gains of a few at the cost of the community. The overall time limit of three years for the completion of acquisition proceedings, beginning with the preliminary notification and ending with the award of the Collector, is going to be a major safeguard against any runaway rise in the price of the land in the open market in this period.

Even so, note has been taken of the fact that there can be some rise in land prices within this three year period. It has, therefore, been provided that an additional amount of 12 per cent per annum will be added to the market value of the land obtaining on the date of the preliminary notification for the entire period beginning from the preliminary notification to the award of the Collector or the taking of possession of the land, whichever is earlier.

The intention of this Bill is to secure quick disposal of acquisition proceedings without parties having to seek the intervention of the Court in ordinary circumstances. It is our sincere hope that given understanding and goodwill, the need for the parties going to the Court of law will be obviated largely. In the ordinary circumstances it should not be necessary for anybody to go to the Court of Law before the award of the collector, since the rigid three year limit will have to be adhered to by the Collector for the completion of the proceedings leading to the award. But not so happy may be the position of the cases which have been pending for years.

Sir, as it is well known, a number of land acquisition proceedings have been pending for the award of the Collector for years on end. In some cases the preliminary notification under Section 4, Sub-section 1, was issued many years ago. Payment of compensation to the interested parties on the basis of the market value of the land prevailing on the date of the preliminary notification will be patently unfair. To remedy this unfairness, the Bill provides for payment, in every proceeding for acquisition of land where the award of the Collector had not been given on the 30th day of April, 1982, an additional payment of 12 per cent per annum from date of the preliminary notification to the award of the Collector or the date of the taking possession of the land, whichever is earlier. Similarly, cases in which the award of the Collector has been given after the 30th day of April, 1982, will also be entitled to this additional payment in the same manner. The net effect of these provisions will be that cases which have been pending since before the 30th day of April, 1982, or taken up there-

[Shrimati Mohsina Kidwai]

after but before this Bill, for the award of the Collector will be entitled to receive this additional amount from the issue of the preliminary notification, to the date of the award of the Collctor or the date of the taking of the possession of the land, whichever is earlier. As for acquisition proceedings which will commence after this Bill becomes law, the entire period taken up in the proceedings will be admissible for the payment of the additional amount. Since, however, this period will not be longer than three years under the provisions of the new law, the payment of 12 per cent per annum will be confined to this three year period only.

Under section 18 of the principal Act, those who are aggrieved by the award of the Collector, can seek a reference to the civil court asking for an upward revision of this award. It has been our experience that only the articulate and the affluent amongst land owners are usually able to take advantage of this provision. Poor and inarticulate land owners generally accept the award of the Collector. If the court on a reference increases the amount of the award, the benefit of the increase is available under the present law only to the person on whose behalf the reference was made to the court. In the present Bill, a new provision has been made for redetermination of compensation on the basis of the award of the court, for parties who failed to go to the court earlier. Under this new provision, persons who failed to seek reference to the civil court under section 18, can file an application to the Collector within three months of the decision of the court and request for redetermination of compensation to be awarded to them on the basis of the award of the court. On such application, the Collector shall have to make an award determining afresh the compensation payable to such applicants. A further opportunity has also been given to such persons for seeking a reference to the civil court against this fresh award by the Collector. This important new provision will immensely help the poor and the inarticulate land owners who generally abide by the award of the Collector and do not seek a reference to the court and in the process suffer losses, while the comparatively rich and the articulate get higher compensation for comparable land.

It is felt that there is need for supervision by the appropriate Government of the Collector's power of making award. It has, therefore, been provided that the Collector, before making an award, should obtain the previous approval of the appropriate Government or of such officer as the appropriate Government may authorise in this behalf. Further, provision has also been made that the appropriate Government may direct the Collector to make his award without such approval in such class of cases as it may specify in this behalf. This provision will enable the Government to lay down guidelines under which certain class of cases can be disposed of by the Collector at his level, while in other important cases, before the award, the previous approval of either the appropriate Government or an officer authorised by it, will be obtained. The appropriate Government can also call for, at any time before the award is made by the Collector, any record of any proceeding for the purpose of satisfying itself as to the legality or propriety of any finding or order passed and may pass such order or issue such direction in relation thereto as it may think fit. These provisions, while giving adequate freedom to the Collector to make the award, will at the same time enable the appropriate Government to ensure that proceedings for award are properly conducted and no injustice or irregularity is committed.

There is at present no provision in the principal Act for consent award. In this Bill, a provision has been made for the Collector to make an award in terms of an agreement in cases where

persons interested in the land appear before him and agree in writing on the matters to be included in the award of the Collector. in the form prescribed under rules to be made by the appropriate Government. This will ensure that in cases where award by consent can be made, proceedings need not unnecessarily prolong.

I would now like to daw the attention of the hon. Members to some other provisions of the Bill. The rate of solatium paid under section 23 of the principal Act is proposed to be raised to 30 per cent. Similarly, the present rate of interest payable on the amount not paid or deposited in the court, has been increased from 6 per cent to 9 per cent for the first year and to 15 per cent for all subsequent periods. The scope of the term "public purpose" has been revised so as to provide for acquisition of land for all socially important purposes but at the same time, to obviate the possibility of misuse of this provision. Another important change proposed in the Bill is that acquisition of land for companies would no longer be possible under the urgency provision for acquisition. Moroever, when land is taken under urgency provision, the Collector will pay 80 per cent of the estimated amount of compensation prior to taking the possession of the land. All these provisions are considered to offer an adequate response to the need of land acquision in the changed socio-economic environment.

Sir, I would not like to take more time of this House by analysing the other provisoins of the Bill or suggestions made by various speakers. I sincerely believe that the amendment proposed in this Bill will go a long way towards providing a better legislative and administrative framework for acquisition of land for socially necessary purpose within a reasonable time-frame and in a manner that harmonises the interests of the community with the rights of the individual. I commend this Bill to this august House for its unanimous support and acceptance.

The question was proposed.

*SHRI DEBENDRA NATH BARMAN (West Bengal): Hon. Mr. Vice-Chairman, Sir, the Land Acquisition (Amendment) Bill, 1984, seeks to amend the Land Acquisition Act, 1894. The Principal Act was enacted during the days of Imperialist power. Therefore, there was no provision to safeguard the interests of poor people, marginal farmers and share-croppers in that Act. Ninety years have already passed. In the meantime, in various parts of the world, many changes have taken place in social, economic, educational and cultural spheres. In 1917 great October Revolution took place. That Revolution influenced the thinking process of the people in the world. Thereafter, people in the world started thinking on progressive lines. As a result of that progressive thinking, movements were launched against imperialism, capitalism and feudalism. In our country, we forced the Britishers to give up power through our anti-imperialist agitation.

In the Land Acquisition Act, 1894, there was no provision to safeguard the interests of poor farmers. In the present Bill the time-limit for acquisition of land has been reduced so that land may be acquired speedily. It has also been provided for in the Bill that compensation should be paid early. Besides, the rate of interest has been increased. But no provision has been made in the Bill to safeguard the interests of poor farmers and marginal farmers.

The Principal Act was enacted ninety years ago. It was definitely an anti-people legislation. Therefore,

*English translation of the original speech delivered in Bengali.

[Shri Debendra Nath Barman]

there is a great necessity to bring changes in the Principal Act for the sake of changing the present social system. The old Act should be moulded in the light of changes in social consciousness.

I would like to place a few questions before the Hon. Minister. Feudalism still prevails in our country. Absentee landlords are still owners of big land-holdings. Jotedars are still owners of one hundred or one thousand bighas of land. Share-croppers work on lands, owned by Jotedars. We admit that land should be acquired to implement various development projects. But if lands, owned by Jotedars, are aquired by the Government, the share-croppers will be thrown out of their jobs. The share-croppers till the lands of Jotedars and offer an agreed portion of crops to them The Jotedars, as owners of land, will get compensation after they have produced relevant documents in support of their claim. But what share-croppers will get? Due to acquisition of land, poor and marginal farmers will not only lose their livelihood but also their shelter. What is the condition of poor farmers? Big land-holders or Jotedars may not be actual tillers of the soil. They will not be affected if a certian portion of their land is acquired by the Government, because they have alternative sources of livelihood. They are in a position to maintain their families. But what will happen to small land-holders and marginal farmers? How can they maintain themselves if they get compensation after two years or even the interests at the increased rates?

With acquisition of land, the owners will be paid 80 per cent money. But the small land-holders will utilise that amount of money to maintain their families. It will not be possible for them to purchase new lands.

According to the Bill, the owners will be paid compensation on the basis of present market value of land. Now the 'present market value' is a matter of dispute. It is already known to the Hon. Minister that lesser value than the present market value is shown in the Sale Deed for lands on the basis of mutual agreement between the buyers and sellers so that they may be required to pay less stamp duties. Now it will create a difficult situation if the present market value is fixed upon less value, shown in the Sale Deed.

The poor farmers will never be able to purchase lands at the present market value with the amount of compensation that they have already received. Again, they will never be able to purchase lands of the same standard as they had. So, I make a few suggestions to the Government in this respect. I suggest that the Government should not, as far as possible, acquire lands belonging to poor farmers, marginal farmers and share-croppers in order to implement any scheme or set up any industry. If it is not possible for the Government to do so, the Government should acquire more lands in the concerned area and should compensate the affected poor farmers, marginal farmers and residents with lands of equal measure and standard. Again, if this suggestion of mine cannot be given effect to, the Government should provide alternative sources of livelihood and alternative house-sites to the affected persons immediately after the notification for the acquisition of there respective lands has been issued. Besides, when any industry will be set up on an acquired land, the affected persons should be given a guarantee by the Government that they will be given jobs in that industry. There may be blind and disabled persons among the affected persons. Appropriate jobs should be provided to them in that industry.

Again, I suggest that the affected persons should be paid compensation at slab rates. Small land-holders should be paid compensation at higher rates.

[The Vice-Chairman (Shrimati Margaret Alva) in the Chair].

Share-croppers have been registered through 'Operation Barga' only in West Bengal. They have no documents in support of their claims for compensation. If lands, cultivated by share-croppers, are acquired by the Government, village witnesses may be relied upon to verify the claims of affected share-croppers for compensation. As compensation, the affected share-croppers should given jobs in the projects that will come up on the acquired lands. Absentee landlords have other sources of livelihood. They are also financially sound. So, they will not starve. But land is the only source of livelihood for the poor farmers and marginal farmers. If their lands are acquired by the Government, they are sure to starve. They will also be turned into refugees. So, the Government should pay special attention to this aspect of the problem. I would request the Hon. Minister to incorporate all my suggestions into the present Bill.

We fully admit that lands should be acquired for undertaking developmental projects in the country. But, at the same time, it will be against humanity if we place poor farmers and absentee landlords on a footing of equility in the eyes of the law. Such a yardstic was justified during the days of British imperialism. We cannot expect such a yardstic from the Government of independent India. I request the Government to provide alternative house-sites and alternative sources of livelihood to poor farmers and marginal farmers when their lands are acquired in public interests. I again request the Government to acquire more lands of equal standard for distribution to the affected persons in proportion to their respective losses. I want that the Government should take special care in providing jobs to the affected persons in the projects that will be implemented on the acquired lands. I hope, the present Bill will be amended in the light of my suggestions.

With these observations, I conclude.

Thank you.

श्री राम पूजन पटेल (उत्तर प्रदेश) : उपसभाध्यक्ष महोदया, मैं आपका बहुत आभारी हूं कि आपने मुझे इतने महत्वपूर्ण विषय पर बोलने की अनुमति दी है । यह विधेयक ग्राम विकास मंत्री ने सदन में प्रस्तुत किया है । यह भूमि अर्जन (संशोधन) विधेयक, 1984 देश के अधिक से अधिक किसानों के हित में पेश किया गया है । मैं समझता हूं कि माननीय मंत्री जी इसके लिए बधाई के पात्र है । इस विधेयक को सदन में बहुत पहले ही पेश कर देना चाहिए था, देर से पेश किया गया था, लेकिन फिर भी आने वाले समय में छोटे किसानों, छोटे काश्तकारों की भूमि अर्जित की जायेगी तो उनका हित ही होगा । मुझे एक बात जरूर कहनी है कि यह जो विधेयक लाया गया है यह 1894 का है । मैं समझता हूं कि हमारा देश आजाद हुआ तो हमको अपनी आवश्यकताओं के हिसाब से इस कानून में परिवर्तन करना चाहिए था । जब मैं 1894 का आजादी के पहले का नियम देखता हूं और उसमें संशोधन करते है तो हमें यह याद आता है कि उस समय हमारा देश गुलाम था और जब देश आजाद हुआ तो कानून देश के हित में समाजवादी व्यवस्था कायम करने के लिये लाया । जायेगा । उसमे बार-बार जो संशोधन किया जाता है यह जरूर किसानो के हित में होगा ऐसा हम समझते है । इसमें

[श्री राम पूजन पटेल]

धारा 4 और 6 है । इसमें यह लिखा गया था कि किसी की जमीन ली जायेगी तो तीन साल के अंदर उनको जमीन का मुआवजा दिया जायेगा । लेकिन इसमें माननीय मंत्री जी ने यह प्रस्ताव रखा है कि तीन साल के स्थान पर एक वर्ष कर दिया जाए । यानी एक साल के अंदर किसानों को सारे पैसे का भुगतान कर दिया जायेगा । यह कार्यक्रम बहुत ही अच्छा है यह जो संशोधन किया जा रहा है यह बहुत ही अच्छा है । मैं माननीया मंत्री जी से निवेदन करूंगा कि इसके बावजूद भी कि कानून में स्पष्ट आदेश थे तीन सज्जल के अंदर किसानों को सारा भुगतान करना चाहिए ।

श्रीमती मोहसिना किदवई : पहले नहीं था । पहले यह था कि तीन साल के अंदर कर दिया जाये सब मिला कर ।

श्री राम पूजन पटेल : मैं आपको बताऊं कि 5-6 साल से लोगों के रुपये का भुगतान पड़ा हुआ है । जमीन 5-6 साल पहले ले ली गई थी । इलाहाबाद में हमारे यहां फूलपुर का क्षेत्र है । वहां के किसान कहते हैं कि 5-6 साल हो गये हमारी जमीन लिये हुए लेकिन हम को अभी तक भुगतान नहीं किया गया । मैं समझता हूं यह बहुत ही सरकारी कर्मचारियों की तरफ से लापरवाही बरती जा रही है । इस पर विशेष रूप से हम को ध्यान देना है ।

इसके साथ-साथ किसानों से जो जमीन ली जाती है वह बहुत ही सस्ते दाम पर सरकार लेती है । इसमें यह प्रावधान है कि मार्किट रेट पर उनकी जमीन ली जायेगी । लेकिन माननीया मंत्री जी, मार्किट रेट पर, जो इसमें प्रावधान रखा गया है उसके बावजूद भी वहां पर शिथिलता बरती जाती है । हम यह चाहेंगे कि कहीं भी कोई शिकायत हो किसानों की तरफ से तो जो अधिकारी नियुक्त हैं, उनके खिलाफ कार्यवाही करनी जरूरी है । जब तक हम उन पर निगरानी नहीं रखेंगे, भले ही कानून बना है कानून ठीक से किसानों के लिये लागू नहीं किया जाता है तब तक उससे किसानों का हित नहीं होता है । मैं आपसे यह कहूंगा कि हर शहरों में किसानों से जमीन ले ली जाती है और उसके बदले में 5, 6 हजार, 10 हजार, 20 हजार रुपये दे दिये जाते हैं । जहां तक मेरी जानकारी है नियम यह है कि जमीन लेने के बाद उनको एक प्लाट दे दिया जाये । कहीं-कहीं पर 300 रुपये वर्ग गज के हिसाब से प्लाट दिया जा रहा है, कहीं 200, 400 रुपये वर्ग गज के हिसाब से प्लाट दिया जा रहा और प्लाट का जो बाकी का पैसा होता है वह उससे लिया जाता है । मतलब यह है कि उससे ज्यादा रुपये उसको अपनी ही जमीन के देने पड़ते हैं । यह नियम बनना चाहिये कि जब किसी की जमीन ली जाय तो उसकी सारी चीजें जोड़ कर कम से कम एक प्लाट जिसमें वह अच्छे ढंग से रह सके, आवंटित करना चाहिये । अगर उसको भी पैसा देना पड़ेगा तो नतीजा यह होगा कि एकदम गरीब हो जायेगा, खाने के लिये मोहताज हो जायेगा । इन चीजों पर ध्यान रखना जरूरी है । यदि कोई सरकारी कारखाना लगता है तो उसमें उनको नौकरी प्राथमिकता के आधार पर लगानी चाहिये । वैसे कह दिया जाता है कि नौकरी दे दी जाती है लेकिन नौकरियां उनको बहुत ही मुश्किल से मिल पाती है । इन सब चीजों पर सरकार को ध्यान देना चाहिये और सख्ती से कदम उठाना चाहिये । किसान जो होता है वह साधारण आदमी होता है । गांव में खेती करता है । खेत में बोने

के बाद कम से कम वह रोजाना, दूसरे दिन खेत देखने जाता है । यह देखने जाता है कि कहीं जानवर तो उसको नुकसान नहीं पहुंचा रहे हैं या खेत इसलिये देखने जाता है कि जो उसमें घास फूस जमा हो गई है उसको हटाता है । इसी तरह से अगर हम कानून बनाते हैं तो कानून की जब तक देखभाल नहीं होगी, जिनके लिये कानून बना है उन पर ठीक से लागू हो रहा है या नहीं, जो पालन करने वाला है वह ठीक से पालन कर रहा है या नहीं, तब तक कुछ होने वाला नहीं है। क्योंकि जो पालन करने वाला है वह ही गड़बड़ करता है और शिकायत आने पर हम उसका देख नहीं पाते । मैं आपका ध्यान किसानों की अहम समस्या की ओर दिला रहा हूं । नहर विभाग के लोग खुदाई करते हैं । जमीन ली गई 25 फुट और नहरों के आसपास की जो जमीन होती है उसको वह वन विभाग को ट्रांसफर कर देते हैं । यह कहते है कि हमारी जो खाली जमीन है उस पर आप पेड़ लगा सकते हैं, उनकी जमीनें किसानों से नहीं ली गई है । उसका मुआवजा भी नहीं मिलता । वन विभाग वाले पेड़ लगाते जा रहे हैं और नतीजा यह होता है कि नहर के बगल की जमीन बहुत उपजाऊ होती है, उसमें बहुत अधिक पैदावार होती है, देश के खाद्यान्न की समस्या हल होती है और जब पेड़ वहां लग जाते हैं तो उसकी छाया से वह जमीन बेकार हो जाती है, उपजाऊ नहीं रहती है । जितना पेड़ लगाने से फायदा नहीं होगा उससे कहीं ज्यादा किसानों का नुकसान होगा । मैं चाहूंगा कि नहरों की बगल में, खास तौर पर जो छोटी नहरें हैं उनकी बगल में पेड़ नहीं लगाने चाहिए । बड़ी बड़ी नहरों की बगल में पेड़ लगा दिये जायें तो विशेष आपत्ति की बात नहीं है, लेकिन छोटी नहरों के आस पास पेड़ नहीं लगाये जाने चाहिए । मैंने इलाहाबाद के ए० सी० से बात की तो वे कहने लगे कि नियम तो यही है । मैं यह कहना चाहता हूं कि अगर इस नियम का उल्लंघन होता है तो उन अधिकारियों के खिलाफ कार्यवाही होनी चाहिए । मैं चाहता हूं कि माननीय मंत्राणी जी इस तरफ ध्यान देंगी वरना ग्रामों का जो विकास होना चाहिए वह नहीं हो सकेगा । इससे छोटे छोटे काश्तकार सफर करते हैं । जो बड़े बड़े काश्तकार होते है, शक्तिशाली और ताकतवर होते है वे लोग अदालतों में चले जाते हैं और स्टे ले लेते हैं । वहीं अफसरों से मिल जाते हैं। यह सब इसलिए किया जाता है कि जिससे उन लोगों को पैसे कमाने का मौका मिल जाता है । छोटी नहरों के नजदीक पेड़ नहीं होने चाहिए । हमारे लोगों को खुद जाकर वहां देखना चाहिए कि किसानों का शोषण न हो, किसानों को परेशान न किया जाय । इसलिए मैं यह निवेदन करूंगा कि किसानों के हितों को सर्वोपरि समझकर इसमें यह प्रावधान होना चाहिए कि किसानों का रुपया देने की जो अवधि दी जाय उसके अन्दर उनका रुपया भुगतान कर दिया जाय । जो जमीन अर्जित की जाती है उसका पैसा किसानों को तुरन्त दे दिया जाय । मैं जहां पर भी जाता हूं वहां पर किसानों का पैसा समय पर भुगतान नहीं किया जाता है । यही स्थिति अन्य स्थानों पर भी होगी । इसलिए मेरा निवेदन है कि जो अधिकारी किसानों को समय पर भुगतान नहीं करते हैं उनके खिलाफ कार्यवाही की जानी चाहिए ।

मैं आपका ध्यान प्राधिकरण विभागों की तरफ भी दिलाना चाहता हूं । ये प्राधिकरण किसानों से जमीन लेकर मकान

[श्री राम पूजन पटेल]

बनवाते हैं । माननीय मंत्री जी इसका कुछ बुरा मानेंगी जब देश के बड़े बड़े अफसर इसमें फंसे हुए हैं तो आप किसानों की बात छोड़ दीजिये । इसी दिल्ली में देखिए यहां पर पूरे हिन्दुस्तान के बड़े बड़े अफसर रहते हैं । दिल्ली का प्राधिकरण उनके लिए मकान बनवाता है । दो तीन साल में मकान बनाकर दिये जाते हैं लेकिन कहीं तो उनकी छतें गिरने लगती हैं और कहीं पर उनका प्लस्टर गिरने लगता है । जब बड़े बड़े लोगों के साथ ऐसा होता है तो किसानों के साथ क्या होता होगा इसका आप अन्दाजा लगा सकते हैं । मेरा सुझाव है कि आप किसानों को मकान बनाने के लिए जमीन दे दीजिये । वे अपनी इच्छानुसार और अपनी आवश्यकता के अनुसार और अपनी स्थिति के अनुसार अपने लिए मकान बना लेंगे । मैं चाहता हूं कि आप इन बातों का ध्यान रखेंगे ।

अन्त में मैं यह कहना चाहता हूं कि आप पूरे देश के लिए ऐसा कानून बना दीजिये कि जहां पर भी किसानों का रुपया बाकी है और जिसका भुगतान तीन साल से, चार साल से या पांच साल से नहीं किया गया है, उनको एक महीने के अन्दर भुगतान कर दिया जाय । नहर बनाने के लिए, सड़कें बनाने के लिए या पी० डब्ल्यू० डी० ने जो भी जमीन किसानों से ली है उसका भुगतान शीघ्र कर दिया जाना चाहिए । जो लैण्ड एक्विजीशन अफसर होता है उसके फण्ड में रुपया पड़ा होता है । लेकिन वह किसानों के पास उस रुपये को देने के लिए नहीं जाता है क्योंकि इसमें वह कुछ नहीं कर सकता है । किसानों को पैसा नहीं दे तो फिर क्या करे ? इसलिए मेरा निवेदन है कि हर जिले में एक लैण्ड एक्विजीशन अफसर अलग से होना चाहिए । उसके पास इसके अलावा कोई दूसरा काम नहीं होना चाहिए । एस० डी० एम० वगैरह भी इसमें नहीं होने चाहिए । वह अधिकारी सिर्फ एक्विजीशन का ही काम करे जिससे कि किसानों का किसी प्रकार से शोषण न हो सके । इन शब्दों के साथ आपने जो यह विधेयक पेश किया है उसका मैं समर्थन करता हूं और आपको धन्यवाद देता हूं । हमारी माननीय प्रधान मंत्री जी के नेतृत्व में ऐसा विधेयक हमारे सामने पेश किया गया है जिससे किसानों का हित हो सके इसके लिए मैं आपको पुनः धन्यवाद देता हूं ।

MISS JAYALALITHA (Tamil Nadu): Madam, Vice-Chairman, the Land Acquisition (Amendment) Bill, 1984, seeks to amend the principal Act, namely, the Land Acquisition Act, 1984, *i.e.* Central Act 1 of 1984. I am aware that the subject matter of the legislation falls under entry 42 of the Concurrent List of the 7th Schedule of the Constitution, namely, "requisitioning and acquisition of property". Thus, both the Central and State Governments have the power to legislate on this subject. The principal Act, namely, the Land Acquisition Act of 1894 is a pre-constitutional law. The power to acquire any land belonging to a private person for a public purpose by the Government is well recognised, and such a right of the Government is accepted under the constitutions of all countries. The counterpart to the law of Eminent Domain of America, or the Law of Compensation of England, is the Law of land acquisition and compensation of India. Like the Land Clauses Consolidation Act, 1845, of England, the principal statute in India is the Land Acquisition Act, 1894, which forms the present Act and is the basis of all Central and State laws relating to compulsory acquisition and compensation payable. It is well recognised that the sovereign power of a State has adequate authority to command and appropriate for itself lands situated within its

jurisdiction, provided it is for purposes of some public utility. The famous maxim "SALUS POPULI EST SUPREMA LEX" which means the welfare of the people is the paramount law, is the corner stone of the law of land acquisition. In other words, public necessity is greater than private necessity. With the growing importance of progressive industrialisation of the country, and the welfare measures taken by the State, it becomes necessary for the State to acquire lands belonging to private persons for public purposes. To suit the growing needs of the State Governments, and the law being a law made in 1894, many local amendments have been made to this Act by the State Legislatures. It is true that when any land is acquired, even for a public purpose, because it belongs to a private person, compensation should be paid for the compulsory acquisition. Our experience is that many land acquisition proceedings, undertaken by the State Governments in respect of many welfare measures, could not be pushed through speedily, however laudable the public purpose might be, because of the stay granted by the Courts. The cardinal rule is no doubt that there should be compensation for acquisition. Article 31 of the Constitution of India, which confers the Fundamental Right to hold property, and provides that no such property shall be acquired without paying the holder an amount by way of compensation has been omitted (by the constitutional 44th Amendment Act, 1978). Now the right to property is only a statutory right, and no longer a fundamental right under Part III of the Constitution. Article 300-A of the Constitution provides, that no person shall be deprived of his property, save by authority of law. However, our experience is, that even after the right to hold property ceased to be a Fundamental Right, still the law of acquisition, namely, the Land Acquisition Act, when implemented by the State, even while acquiring lands for the purpose of providing shelters to Harijans who are homeless, or for sinking a public well in a Harijan colony, or for constructing tenements for slum dwellers, the State is confronted with serious difficulties, and such welfare measures are unnecessarily delayed, because of litigants misusing and prolonging the judicial process. I may state here that the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, has been enacted in Tamil Nadu with the laudable object of acquiring lands for the Harijan Welfare Schemes. The Harijan Welfare Schemes under the Act, include the provision of housesites for Harijans, for constructing, extending or improving any dwellings or houses for Harijans or providing any burial or creamation grounds, or for providing any other basic amenity for the benefit of Harijans. The Act vests the State Government with powers to acquire lands for these purposes, and also to provide a machinery for determining the amount of payment by way of compensation, on the pattern delincated in the Land Acquisition Act, except for certain deviations which have been provided, to enable the determination of the amount of compensation. It has been clearly provided in the Act, that the Land Acquisition Act shall cease to apply, in respect of any acquisition of land for Harijan welfare schemes. I am constrained to say that unfortunately, in spite of the clear provision made in the Act, that the Land Acquisition Act will not apply, and in spite of the objectives of the Act, being laudable, the Madras High Court has struck down the Act, on the ground that it violates article 14 of the Constitution, in the sense that the provisions made therein, are not the same as in the Land Acquisition Act. It may not be the intention of the legislature that all acquisition of land, for any purpose, can be only under the Land Acquisition Act. For any urgent and important purpose, there seems to be no legal bar or constitutional infirmity, either for the Parliament or the State Legislature, to undertake a legislation providing for

[Miss Jayalalitha]

acquisition of land, with certain modifications from the Land Acquisition Act. Otherwise, we would be driven to the conclusion, that only the pre-constitutional law of 1894 should continue to govern all the land acquisitions to be made by the Government, even in the wake of industrial progress and social welfare schemes, which the Centre and the States are bound to implement urgently. Not only has our law providing for acquisition of land for Harijan Welfare schemes been struck down but even the acquisition provisions in the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971, for improving and clearance of any slum areas in the State have been struck down by the High Court, following the earlier judgment of the Madas High Court. In this context, I wish to refer to the Directive Principle enshrined in Article 46 of the Constitution, providing that the State shall promote with special care, the education and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. It has been specifically declared in our Act, that it is a law which seeks to give effect to the policy of the State, towards securing the principles laid down in Part IV and in Article 46 of the Constitution. But unfortunately, notwithstanding this declaration, the State law providing for acquisition of land for Harijan Welfare schemes has been struck down. Although, the judgment of the Madras High Court has been taken on appeal to the Supreme Court, and the same is still pending before the Supreme Court, yet, I am referring to this only to emphasise the point that even in carrying out welfare measures intended to benefit Harijans, the State Government is confronted with serious legal impediments, and as a result, the implementation of the welfare measures gets delayed, and the proceedings are stalled.

If any notification under section 4(1) of the Land Acquisition Act is issued for acquiring some site, to provide for a burning ghat or public well in any Harijan Colony, and even if the State Government is satisfied that it is a long felt need of the public, and such a scheme should be urgently implemented, and the usual procedure of conducting section 5(A) enquiry is to be dispensed with, and a declaration to that effect is made, it is common knowledge that any land owner may go to the court, and obtain an injunction or stay, thereby restraining the State Government from proceeding further with the Land Acquisition. Any suit or writ filed in the court, thus takes time for final disposal, and once stay is granted, it is very unlikely that the stay is vacated. Not only is the aim of the State Government not fulfilled immediately, but if ultimately on any technical ground, the preliminary 4(1) notification is set aside by the court, the State Government is put under the legal obligation to issue the 4(1) notification again, to remedy the defect or technical irregularities. If such a notification under section 4(1) of the Land Acquisition Act is issued, then during the interregnum, the market value of the land would have gone up, and only the enhanced market value as on the date of the revised 4(1) notification has to be paid to the land owner, thereby increasing the cost of acquisition for the State Government. In turn, this increases the cost of the schemes also. These procedural wrangles definitely put a great strain on the limited finances of the State Government. It is for us to think of ways and means, as to how best the provisions of the Land Acquisition Act can be amended.

Further, under the Land Acquisition Act under section 17(4), it is open to the State Government to dispense with 5A enquiry, in cases where the State Government is satisfied, that the provisions of section 5(A) for conducting an enquiry should not apply, and the Government can make a declaration to that effect. In such cases, immediately after the 4(1) notification, a declaration under section 6 can be made, at any time after the publication of 4(1) notification. In some cases where the State Government is satisfied that the welfare measures and schemes are to be implemented urgently, the 5(A) enquiry is dispensed with, a view to take possession of the land and

execute the work speedily. But even here, our experience has been that many landholders rush to the court and stall the proceedings on the grounds that the Government has not presented a convincing argument in regard to the urgency of the measure or on some ground or other and obtain a stay. Here again, the land acquisition proceedings come to a standstill, and the immediate welfare measures planned by the State Government cannot be implemented, even by invoking the urgency provisions. As such, it becomes necessary to provide, that in cases where the State Government decides that the urgency provisions are to be invoked, the decision of the State Government should be final and the same shall not be questioned on the ground that there is no real urgency. In other words, the question whether there is any real urgency or not should be left to be decided by the State Government and to their subjective satisfaction on the materials available before them. The courts should sit in judgment in regard to the sufficiency of the materials or otherwise, in regard to the invoking of urgency provisions, except in cases where there is arbitrary exercise of power on the part of the Government, or where the power exercised is malafide. I would plead for the Act being amended on these grounds.

It may be stated that under the proviso to section 6, the declaration under section 6 has to be made, within three years from the date of publication of 4(1) notification. But it has been our usual experience that a land owner or a person having an interest in the land, goes to the court immediately after the publication of 4(1) notification and obtains a stay, and consequently, the declaration cannot be published within the time-limit stipulated under the Act. As the Tamil Nadu State Government has experienced considerable difficulty, the State Government has brought forward the Land Acquisition Amendment Act, 1980 (Tamil Nadu Act of 1980) and has also given effect to it from 20th January, 1967, by adding an Explanation to the first proviso to section 6. The said Explanation specifically provides that in computing the period of three years for the purpose of publishing the declaration after the 4(1) notification, any period during which any action to be taken in pursuance of this notification issued under sub-section (1) of section 4, is held up on account of the stay or injunction by order of a Court shall be excluded. So, even as early as 1980, the State Government felt the need for this amendment, and brought forward the amending Act for this purpose.

These facts would show that the very object of the Land Acquisition Act, is to recognise and affirm the sovereign power of the State Government, to acquire any private land for a public purpose. The Act and the amendments now proposed should enable the State Governments to acquire the necessary land without procedural difficulties or obstacles, and should not permit any litigant to stall the land acquisition proceedings by raising any hyper-technical grounds. I am sure the Government would consider all these aspects and make the Land Acquisition Act, a really purposeful and meaningful legislation to help the State Governments in implementing their social objectives and welfare schemes, to achieve socio-economic justice for the common man, and to give effect to the Directive Principles enshrined in the Constitution, particularly in Part IV, article 46 of the Constitution. We should bear in mind the consciousness that any progressive law should suit and accommodate the changing and growing needs of the common man, and contemporary society, as otherwise the law will be outmoded. After all, law is only a means to achieve justice and not an end in itself. Viewed in this light, the Land Acqiuisition Act, including the amendments we propose, should seek to achieve the rendering of justice the common man, and fulfil the pressing needs of our society.

*SHRI T. THANGABALU (Tamil Nadu): Madam, Vice-Chairman, I start my speech by paying homage to Tamil. I welcome this Land Acquisition (Amendment) Bill, which is a vindication of by Government's commitment to the welfare of farmers who are the backbone of

*English translation of the original speech in Tamil.

[Shri T. Thangabalu]

our country. The Central Government has enacted similar laws in 1921, 1933, 1962 and 1967. The Bill under discussion is another such legislative effort of the Central Government intended to benefit our farmers.

Our Prime Minister, Shrimati Indira Gandhi, is the embodiment of hopes and aspirations of the people of this country. Through this Bill she is endeavouring to implement the assurances given to those lakhs of farmers assembled in the Rally held in New Delhi in 1979. This legislation ensures adequate compensation to those whose land is being acquired for public purpose. This is a milestone in the history of our country. Here, I am constrained to comment upon the existing state of affairs so far as implementation of land ceiling laws, land reform laws and land acquisition laws is concerned. During the past 37 years, after independence the Central and the State Governments have enacted so many laws in this matter, since land reform is the basic primary necessity for establishing egalitarian society in the country. If we had implemented them effectively, the nation would have by now completed agricultural revolution. The reactionary forces and vested interests have become the stumbling blocks in the successful transformation of our agricultural society. It is time that we make earnest efforts to remove these hurdles by stringent legislation and by deterrent punishment to those violating the laws of the land with impunity. In this matter, all the political parties should compose their differences and function unitedly for the good of the country, since this is a national issue and not any partisan programme of any particular political party.

In the rural areas and also in areas adjacent to metropolitan cities, the land is acquired at a throwaway price from the agriculturists. If the market value per acre is Rs. 210,000, the agriculturist is paid the paltry sum of Rs. 2,000. Our Prime Minister has told categorically that the market price should be given to the farmers. But that is not being done. Even this compensation does not reach in full to the farmers. The intermediaries eat away a lot of money. In our system of administration, we find that the Collector of the District is the supreme administrative head of the area. He continues merrily in his traditional pomp and show. He has no time to meet the poor people; he has no time to hear their grievances. He has not yet left the British mode of working. I want that the powers of the Collector should be decentralised. In fact, there should be full-fledged administrative machinery at the Block level, so that effective monitoring can be done at regular intervals. I would suggest the constitution of Block level committees comprising of eminent local men, social workers and representatives of farming community for overseeing the implementation of land ceiling laws and land acquisition laws. It cannot be disputed that the District Collector and his officers are callous to the interests of farmers. They do not implement the directives of our Prime Minister in ensuring that the farmers get their dues intact. I suggest that the Minister should ponder over this problem, because without strict implementation of the law under discussion, the objectives enshrined in this Bill cannot be fulfilled. It is not enough that we enact laws and just leave it at that. That will not solve the problems confronting the farmers. Through proper implementation alone, we can resouse them from the rigours of hide-bound society.

Here I have to refer to another important issue. Somehow the people are having the impression that there is unnecessary delay in our President giving his assent to such progressive laws. I come from Tamil Nadu. The land ceiling law enacted by Tamil Nadu Assembly was sent to the President for his assent. But it was returned back to the State Government on account of some adverse comments by the bureaucracy here. The people in Tamil Nadu justifiably feel that the anti-people laws are promptly assented to and the pro-people laws are being pulled and pushed hither and thither. Here the Centre should not be inhibited by the fact that such a land ceiling law has been enacted by an Opposition Party Government in the State. That should not be the criterion for

such a course of action. After all, the objective of land reforms is common to all. We have enshrined in the Constitution the concept of Socialist Republic. Unless we act expeditiously in approving the land ceiling laws passed by the States—they may be ruled by any political party—how can we march achead in establishing economic equality? Poverty cannot be eradicated by legislative procrastination. If we do not act promptly, the nation will be engulfed by class conflicts.

I will give you the example of Delhi Development Authority, a Central Government Organisatioin, which is buying land from farmers for the development of Capital city. It is common knowledge that land is being bought at cheap prices and then it is sold with 100 per cent margin by the DDA. These figures are available in the records of DDA. While we assert that the Centre is committed to the common weal, how can we tolerate the Government organisation like DDA indulging in such a manner? Similarly, our Central Planning Commission has admitted in no uncertain terms that 95 per cent of cultivable land is in the hands of 5 per cent people and the remaining 5 per cent land is owned by 95 per cent people. In this atmosphere, how can we bring about economic equality in the country and how can we eradicate poverty? What is the use of plethora of laws that we have enacted during the past 37 years? Similarly, it is also admitted that the Railways own about 8 lakh acres of land acquired from the farmers for Railway development. Presently there is no land management organisation in the Railways. When there is land hunger all over the country, why should not the Railways lease out the land for the people so that they can earn their livelihood? I have referred to these facts because the bureaucrats and vested interests combined together want to defeat the objectives of land ceiling laws; otherwise, such a situation as has been enumerated above would not have been allowed to prevail in 1984. The Centre should take strong action to remove these hurdles if necessary by using even brute force so that the farmers of the country are benefited.

I am afraid that there are insidious attempts all over the country to undermine the authority of the Hon. Prime Minister, whose dedication and commitment to the common cause is the source of all her authority. She is the source of all unity in the country and that unity is being threatened by vested interests in the country. I would like to take this opportunity to demand that all-out efforts must be made to implement land acquisition law, land ceiling laws and land reforms effectively and expeditiously and whatever impediments come in that way must be eliminated.

With these words I conclude my speech.

DR. SHANTI G. PATEL (Maharashtra): Madam, Vice-Chairman, as industrialisation progresses and gets more and more momentum, we require more and more land for carrying industrialisation. As we get involved more and more in public welfare schemes, we require more and more land to put them through and implement them so that the community at large may profit.

But is is a very strange phenomenon that in trying to do so, we deprive a man of his land, his only source of livelihood, and try to benefit somebody also. But this is something which appears to be inherent in the process, and to an extent, unavoidable. Well, it becomes inevitable. Just as we find that the mother gives birth to a child with a lot of tears, there is no birth without tears, similarly, it is a process through which we have to go through. But it is our responsibility to see that the tears are less and less or at least after these tears, the tears of pain, the tears of joy should visit those who have been unfortunately deprived of their own source of livelihood. It is in this context that we have to see, and assure, that there are fair and equitable terms in acquisition of land. The whole issue has to be judged from this angle, whether the person who has been deprived of his land, his only source of livelihood, has been compensated fairly and equitably, and that too, in time.

Looking from this point of view, there are still some shortcomings which need to be corrected. It is true that it is a

[Dr. Shanti G. Patel]

very old Act passed somewhere in 1894. It is sought to be updated. It requires to answer the problems or solve the problems which have arisen from time to time.

Sir, in this context, I would like to refer particularly to the compensation part of it. The compensation is sought to be given at the market rate. What is this market rate? How do we define the market rate? One way of finding out the market rate is going through the official deals. There is another way, more prevalent. The sums that are given are three, four or even hundred times, what are shown in, what is called, the official market deals. Which is going to be the market rate? As pointed out by my predecessor, the previous speaker, a land which would cost Rs. 2,000 per acre, ordinarily shown as costing Rs. 2,000, is being really sold at Rs. 10,000. How is this gap of Rs. 8,000 going to be compensated? What is the way? There is nothing in the law which can compensate the land-owner for the loss of this huge sum.

That is why, it becomes very necessary that we should provide him an alternative site, alternative land, as far as possible in the proximity of the village or the place of land which he has been deprived of. I know, it may not be possible in every case, but all efforts should be made to provide a piece of land so that he is able to carry on his vocation which he has been doing for generations together.

Another aspect is that in case it is not possible to provide such a piece of land, then, a proper employment should be provided to him at the site. There are a number of industries coming up, and it should be possible to provide such an employment. My experience and knowledge show that whenever employment or jobs are to be provided, the stock argument being advanced is that persons concerned and their family members, are not trained or that they do not have the required skill and that therefore they cannot be provided with this particular employment. There are a number of unskilled jobs which could be provided to them. There should be training schools for skilled jobs. Whenever big chunks are being acquired, a plan for the project is prepared simultaneously, there has to be a plan for the rehabilitation of those who have been uprooted by acquisition of land. Sir, it is not just the land owners who get uprooted. I can give you an exampie. Just near Bombay when the Nhava Sheva Port project is being implemented, thousands of acres of land have been acquired and 93 villages have been uprooted. Now, it is not merely the land-owners who are uprooted, there are other people also who are getting uprooted and I believe it is the responsibility of the Government to see that these people are properly rehabilitated. I want to know: what is being done for them. What is there in the law to give them the advantage of rehabilitation and employment, when it is coming up?

The land which is acquired is again sold at a very high premium. When a farmer who was owning land some years back comes to know that his land is going to be sold at such exorbitant prices, he is unhappy and angry. It is an 'offence'. He feels that he is cheated. He should get the price which he deserved at that particular time. This also needs to be taken care of. This can be done by providing them employment in small professional jobs like giving small stalls, plots etc., for which proper plans are to be drawn up in time. Sir, the gains which are made by selling land at higher rates should be made good to these land-owning villagers and other land-owners who have been uprooted. For this, a list should be maintained and they should be compensated from time to time.

Sir, another aspect which I would like to make a reference to is about interest. The interest that is sought to be given is 10 per cent in the original Bill. I am happy that the rate of interest has been enhanced to 12 per cent. But still that is not enough. Even if a person invests the money in the form of fixed deposits in the public sector undertakings the interest given by them varies from 14 to 18 per cent. So, there is no reason why the same Government which owns the public sector undertakings should not assure

the interest of 14 to 18 per cent to these people who are being deprived of their source of livelihod. I would, therefore, appeal that these deficiencies or short-comings in the law need to be set right. At least during the formulation of schemes and the rules, it should be seen that the State Governments make provisions to compensate these fellows—the farmers or the owners of land in a proper way so that they are able to get themselves rehabilitated in proper form and their families are able to pull on as they used to do in the past.

THE VICE-CHAIRMAN (SHRIMATI MARGARET ALVA): Mr. P. K. Bansal.

SHRI PAWAN KUMAR BANSAL (Punjab): Madam, Vice-Chairman, the principle of Eminent domain, that is, the right by which the supreme authority in the State may compel the proprietor to part with his own property for public use, is now a well established law of our country. Admirably, a balance has also been maintained between the concept of promotion of public purpose and that of the right of the individual, the acquisition of whose land may even deprive him of his livelihood and leave him searching for a new avenue in life. The present Bill which seeks to amend the Land Acquisition Act, 1894 and provide for a more equitable compensation for the acquisition of land is another laudable action in that direction.

It has been experienced in the past that because of the bureaucratic red-tape or even the *malafide* intentions to check the price of the land, many long years elapse between the publication of preliminary notification under Section 4 of the Land Acquisition Act and completion of proceedings culminating in the award of the Collector. The present Bill happily sets a time-limit of one year for the completion of formalities after the publication of the preliminary notification and another two years after the publication of the notification under section 6, up to the making of the award by the Collector. These provisions, coupled with the very important amendments in section 23, would definitely safeguard the interests of the land owners whose land is sought to be acquired.

Section 23 of the Act which is being amended by the present Bill, would provide, after the enactment of this Bill, that to the market value of the land will be added an amount calculated at the rate of 12 per cent per annum on such market value for the period commencing on and from the date of publication of the notification under section 4, sub-section (1) up to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

[Mr. Deputy Chairman in the Chair.]

In addition to this, sub-section (2) of section 23 is also being amended to provide that henceforth the solatium for compulsory acquisition of land would be enhanced from 15 per cent of the market value to 30 per cent. The cumulative effect of the amendments to section 23 would be that if the market value of the piece of land sought to be acquired was, say, Rs. 100 on the date of notification, the amount that the land owner would actually get after three years would be Rs. 166—that is, an addition of Rs. 36 under sub-section (1)(a) of section 23 and another Rs. 30 as solatium. Sir, this provision which accounts for any possible increase in price intends to safeguard the interests of the farmers is a salutary provision which I expected every hon. Member of this House to welcome without any reservation. However, I learn that one Hon'ble Member has still tried to plead for the landlords on the ground that the compensation awarded is not just and equitable because the criterion provided for determining the market value on the date of notification under section 4 is the consideration of the various sale deeds registered during that time and as the argument went, these sale deeds were often undervalued. I would, with the utmost respect, submit that while appearing before the Collector, the land owner whose land is sought to be acquired is free to place before the Collector any material which he relies upon in support of his case regarding the price of the land at the time of the notification under section 4 of the Act.

[Shri Pawan Kumar Bansal]

Sir, another provision very beneficial to the land owners which will henceforth be part of the Land Acquisition Act is that under section 25, the amount of compensation awarded by the court on reference against the award of the Collector shall not be less than the amount awarded by the Collector under section 11 but may exceed the amount claimed. A new section 28A has been inserted with the laudable object of obviating the inequity in the payment of compensation for the same or similar quality or type of land to different interested parties as it happened in the past when poor and illiterate people did not take advantage of the right or approaching the civil court under Section 18 of the Act. After the Bill becomes an Act, all the aggrieved parties whose land is covered by the same notification can seek re-determination of compensation once any of them has obtained orders for payment of higher compensation from the court. In this context one lacuna in the provisions of the Act comes to my mind. As is clear from the Statement of Objects and Reasons, No. (ix), it has been said that usually the advantage of Section 18 is not taken of by the poor and inarticulate people and often it is the articulate and affluent ones who do not accept the award and make a reference to the civil court or challenge it further in the High Court or the Supreme Court. Such people—the poor and the illiterate ones, I mean—conceivably also do not protest in writing against the award of the Collector and thereby lose the right of reference under Section 18 as postulated by the provisions of first and second provisos to sub-section (2) of Section 31. In such a situation the words "who are aggrieved by the award" as they occur in the new sub-section 28A would also be interpreted to mean that the person is an aggrieved person only if he has accepted the award under protest. Thus, the inarticulate and the poor for whose benefit the provision of re-determination has been provided by the amendment, would still not be entitled to seek the benefit thereunder. It is in this context that I would urge the honourable Minister to clarify the position by making a marked reference to the provisions of Section 31 and those of the new Section 28A.

Secondly, the wording of sub-section 28A makes it abundantly clear that the benefit of re-determination will be available only on an award being made by the first court of reference under Section 18 of the Act and not by the High Court or the Supreme Court while hearing the appeal under Section 54 of the Act. My submission is that once it was decided to accord such a benefit to all the landowners covered by the same notification, the benefit of re-determining should also have been extended in case of enhancement of an amount of compensation by the High Court or the Supreme Court.

In the end, while welcoming the Bill, particularly the amendment in the provision of Section 4(1) and Section 5A which would henceforth debar the clever and articulate landowners from challenging the very validity of the notification under Section 4 on very hyper-technical and frivolous grounds as well as the provisions making it mandatory on the Collector to tender in advance at least 80 per cent of the estimated compensation in case he invokes the emergency provision under section 17 and decides to take over possession of the land for various reasons enumerated therein. I would only like to strike a note of caution that as it has again been our experience, certain influential landlords, who have land surplus beyond the ceiling provided under the various ceiling Acts, because of the benefit of the provisions of the Land Acquisition Act which provide compensation higher than that provided under the Land Reforms Act, will see to it that their surplus land, before it is declared surplus, is acquired under the Land Acquisition Act, rather than it being declared surplus and distributed to the landless, thus depriving them of a major chunk of compensation they would get under the Land Acquisition Act. I would request the Hon'ble Minister to ensure that such landlords do not get the benefit of the provisions of the Land Acquisition Act which is meant to compensate those people whose land is acquired for public good, for executing various developmental programmes.

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश): उप-सभापति जी, अंग्रेज सरकार ने 1894 मे भूमि अर्जन कानून बनाया था। तब से 90 वर्ष हो जाते हैं इन 90 वर्षों में निरंतर किसानों का शोषण हुआ है। राष्ट्रपिता महात्मा गांधी जी का पूरा ध्यान सदैव गांवों की ओर जाता था। वे जानते थे समझते थे कि देश गांवों में आबाद है और उनमें दरिद्रता और अज्ञानता भरी पड़ी है। आजादी के इन 37 वर्षों में भी दुर्भाग्य और दुख का विषय है कि किसान का शोषण भूमि अर्जन कानून के जरिए होता चला आ रहा है। अभी भी उस की जो जमीन ली जाती है वह कौड़ियों के दाम पर बड़े उद्योग और पूंजीपति बड़े शहरों में बसते जाते हैं। यह कैसा समाजवाद है? मेरी समझ में नहीं आता पूंजीपति और उद्योगपति बढ़ते जाएं, फलें और फूलें किसान की कीमत पर यह दुख का विषय है। दिल्ली में, गाजियाबाद में, पटना में और दूसरे सभी बड़े शहरों में मेरी व्यक्तिगत जानकारी है कि 48 पैसे गज, एक रुपया डेढ रुपया और दो रुपये गज किसानों की जमीन ली जाती है। वही उसकी आय का स्रोत है। चाहे वह दिल्ली डेवलपमेंट अथार्टी हो या गाजियाबाद डेवलपमेंट अथार्टी हो वह उस जमीन को पांच सौ रुपये, एक हजार रुपये और दो हजार रुपये प्रति गज तक अलाट करते हैं बेचते हैं। अगर 48 पैसे में जमीन को ले कर, पांच सौ रुपये गज पर दिया जाए तो इसका मतलब एक हजार गुना हो जाता है। एक हजार, दो हजार गुना का डिफेरेन्स और समाजवाद में यदि यह बर्दाश्त किया जाए तो वह माननीय मंत्री जी के लिए चुनौती है। फिर भी सरकार के कोष से किसानों को कोई मुआवजा नहीं दिया जाता है। जो किसानों को मुआवजा दिया जाएगा वह इन ली हुई जमीनों को ऊंची कीमत पर बेच कर उन लोगों को दिया जाता है। ऐसा भी सुना है और देखा है तमाम शिकायतें हैं अगर किसानों को भी कोई प्लाट दिया जाता है, जिसकी कि जमीन ली गयी है, 90 साल की लीज पर उसका दी जाती है और 90 साल तक उस प्लाट का उसे लगान भी लिया जाता है। उसी की जमीन है, मामूली सा मुआवजा मिला, उसमें से भी फिर कोई प्लाट दिया तो वह भी लीज पर दिया जाता है और उससे भी रेंट लिया जाता है। इस शोषण का किस प्रकार से अंत हो सकता है?

माननीय प्रधान मंत्री, श्रीमती इंदिरा गांधी जी ने 16 फरवरी, 1981 को एक विशाल किसान रैली में यह घोषणा की थी, जो हिंदुस्तान के सारे समाचार पत्र में निकली थी, कि आगे किसान का शोषण नहीं होने दिया जायेगा। जिस समय जमीन का कब्जा लिया जायेगा उसी समय की कीमत उसे दी जायेगी।

मान्यवर, दिल्ली हाइकोर्ट में 1959,60,62 और 65 तक के रिट पेटीशन्स अभी भी विचाराधीन हैं। इससे आप अंदाजा लगाइये। माननीय मंत्री महोदय ने बताया है कि जब नोटिफिकेशन होगा अन्डर सेक्शन 4, उस समय उस नोटिफिकेशन के अनुसार अवार्ड दिये जायेंगे। मान्यवर, सन् 1959 से मुकदमें चल रहे है और उनका मुआवजा आज सन् 1984 में दिया जाता है। 25 वर्ष हो चुके है, किसी की 50 बीघा जमीन जा रही है, किसी की 20 बीघा जमीन जा रही है। अगर 1959 की कीमत पर आज उसको मुआवजा दिया जायेगा तो उससे वह एक बीघा जमीन भी नहीं खरीद सकता है। जमीन जायेगी 50 बीघा लेकिन आज के मूल्य पर एक दो बीघा भी नहीं खरीद सकता, फिर मुआवजा क्या मिला?

[श्री वीरेन्द्र वर्मा]

सन् 1894 ई० में 6 फीसदी का सूद दिया जाता था और इन 90 वर्षों में 6 फीसदी से बढ़ाकर माननीया मंत्री जी ने 9 फीसदी सूद किया है । कोई एक जगह नहीं, कई जगह मेरे अमेंडमेंट है, वह मैं बताऊंगा जब उनका समय आयेगा । पता नही उनके ऊपर विचार करना कहा तक उनके लिए मुमकिन है, उचित है, लेकिन केवल माननीया मंत्री जी से यह प्रार्थना करूंगा कि तर्क के साथ, रीजनिंग के साथ जितनी बातें मैं उठा रहा हूं उनका वे उत्तर दें तब मुझे प्रसन्नता होगी । सन् 1959 और 60 के पड़े हुए केसेज में अभी तक कोई फैसला नही हो सका है । महोदय, उनमें कुछ मुआवजा नही मिलेगा लेकिन अगर कोई प्लाट किसान को दिया जाता है, किसी आदमी को दिया जाता है, बाद में उसकी कीमतें बढ़ जाती हैं वह व्यक्ति उस प्लाट को बेचने लगे तो जितनी बढ़ी हुई कीमत होगी जी०डी०ए० या डी०डी०ए० उसकी आधी कीमत अपने पास रख लेता है । जमींदारी का खात्मा हो गया, साहूकारी चली गयी, लेकिन ये नये जमींदार नये कानून के जरिये बन गये । जितना मुनाफा होगा उसका भी आधा बांटेंगे, लेकिन अपने मुनाफे में से जो कि 500 गुना या 1000 गुना तक किसान की जमीन लेकर बेचने से होता है, उस बढ़े हुए मुनाफे में से एक नया पैसा भी किसान को नही देंगे । यह कौनसा न्याय है ? कीमत बढ़ जाती है तो आधा बांट लेंगे लेकिन स्वयं कीमत बढ़ाकर देंगे तो एक नया पैसा किसान को नही देंगे । इस बात को सोचे । फिर कितना विलम्ब हो जाता है ? जमीन एक्वायर कर लेते है, पजेशन ले लेते है लेकिन चार पांच साल तक भी उस आदमी को मुआवजा नही मिलता । क्या सूद मिला ? उसकी तो आमदनी का, जीविका का, सारा साधन चला गया । नये शहर बस गये, नये कारखाने बन गये लेकिन वह उजड़ गया । इस वजह से कि इतना विलम्ब हो जाता है, पंजाब और हरियाणा ने हाईकोर्ट तथा तामिलनाडु और आंध्र प्रदेश के हाईकोर्टस ने भी इसको अवैध घोषित किया है ।

30 अप्रैल, 1982 में लोक सभा में एक बिल पेश हुआ था, वह बिल भी मेरे पास मौजूद है । माननीया मंत्री जी को भी उसकी जानकारी होगी । उस की 11 क(1) में, कोई प्रविजो नही था, कोई उपबन्ध नही था । और यह लिखा था कि इस कानून के पास हो जाने के बाद जो पुराने कैसेज है, वह सब खत्म हो जायेंगे जो 25 साल के हैं लेकिन 3 अगस्त, 1984 को वह कानून वापिस ले लिया गया ।

फिर जब नया कानून पेश हुआ उस नये कानून में यह प्रोवीजो लगा दिया गया, मान्यवर, कि इन कानून के लागू होने के दो वर्ष बाद पुराने कैसेज पर भी अवार्ड दिया जा सकता है, यह भी एक ज्यादती है बीस साल तक तो अवार्ड दे नही सके, उनको लटकाए रखा है । पहले बिल में किसानों के पक्ष की बात थी, तो अब क्यों बदल दिया और फिर दो साल के बजाए— माननीय महोदया ने, जो बिल लोक सभा में पेश किया था, उसमें अपना ही अमेंडमट दिया था । उसमें तीन वर्ष दिया था, दो वर्ष से बढ़ा कर तीन वर्ष कर दिये, फिर क्या हुआ उसे भी खत्म कर दिया और अब यह कर दिया, न दो वर्ष तीन वर्ष किसी टाइम तक भी अवार्ड दे न दे, पुराने कैसेज जो चल रहे है, वह चलते ही रहेंगे । सब अवधि समाप्त कर दी है इस पर भी रीजनिंग के साथ अपने विचार व्यक्त करने की कृपा करें ।

मान्यवर, फिर यह जो मुआवजा दिया जाता है, मुआवजे में मार्केट रेट उसका बताया जाता है। उसका मरे हिसाब से तो मान्यवर, कोई तनासुब नहीं है, उसकी कोई असलियत नही है कही। दिल्ली का ही अगर आप मालूम कर लें, माननीय मंत्री जी, दिल्ली का केवल अकेले एक हजार रुपया गज और दो हजार रुपया गज गज नहीं दस दस हजार रुपया गज पर यहां प्लाट बिक रहे है, जो मामूली से दिल्ली दाम पर किसानों से ले लिये गये हैं। चारों तरफ के गांव वालों को और जमीनों को जब सब को निगल गई है। मै जानता हूं कि उद्योग बढ़े है शहर भी बढ़े है देश का विकास होगा, लेकिन नाट एट दी कास्ट आफ फार्मज किसान के मूल्य पर नहीं या आप किसान को भी उचित मुआवजा देते, माननीय उनके लड़कों को एक प्लाट भी दें जिनकी जमीन जाए उनको प्लाट भी दें न कि उनको प्लाट रेंट पर दें, यदि कारखाने लगें, तो उसमें नौकरी दें। यह बात तो कोई समझ में आने वाली है, लेकिन ऐसा न करके, बिलकुल उसका उल्टा होता है और उपसभापति जी, जब प्रधान मंत्री जी ने यह घोषणा की थी, बीसों–लाखों आदमियो की उपस्थिति में और वह घोषणा मेरे पास मौजूद है – "श्रीमती गांधी जी ने घोषणा की कि जो जमीन सरकार लेगी, उसका तुरन्त मुआवजा दिया जाएगा और इस बारे में नीति में परिवर्तन किया जाएगा। अब किसानों को फौरन कीमतों से मुआवजा दिया जाएगा उनको जमीन का अनुपात मुआवजा दिया जाएगा, जैसी जमीन, वैसा मुआवजा, इस अनुपात में मुआवजे के भुगतान के दिन जो जमीन का मूल्य होगा।"

तो क्या जो घोषणा की थी प्रधान मंत्री जी ने उस घोषणा के अनुरूप यह कानून है और अगर उनको उन के अनुसार मुआवजा मिलेगा, तो मुझे किसी प्रकार की कोई शिकायत नहीं है।

मान्यवर, इसी में और भी दिक्कत हुआ है कि अगर डी० डी० ए० या जी० डी० ए० किन्हीं को प्लाट देती है और वह अगर वक्त पर उसका पैसा जमा नही करेगा, तो जी० डी० ए० उससे 20 फीसदी का सूद लेती है। आप तो किसान को मुआवजे पर देते है 9 फीसदी का सूद और अगर किसान समय पर अदा न करे, तो जी० डी० ए० और डी० डी० ए० उससे 20 फीसदी का सूद वसूल करे, कितना घोर अपराध है, अन्याय है। यह दिल्ली में, गाजियाबाद में और चारों तरफ शहरों में हो रहा है। यह सब मामले इस प्रकार के है जिसे कोई बर्दाश्त नही कर सकता। ग्रीन बैल्ट छोड़ी गई गाजिबाद में और और अब एलाटमेंट उस का किया जा रहा है। पहले तो वह ग्रीन बैल्ट इसलिए छोड़ी कि उसे स्वास्थ्य के लिए रखेंगे उसे बच्चों के खेल कूद के लिए रखेंगे। लेकिन अब केवल पैसा कमाने पर लगे हैं कि किसी तरीके से और पैसा कमा लें। अब ग्रीन बैल्ट की जो जमीन पार्क के लिए छोड़ी गई थी, वह भी बेची जा रही है। मुझे मालूम नही कि उसके लिए सरकार की आज्ञा भी प्राप्त की है या नही? किसी तरह भी ग्रीन बैल्ट की जमीन प्लाट बनाकर इस तरह नहीं बेची जानी चाहिए। एक और बात माननीय मंत्री जी के ध्यान में लाना चाहता हूं। दिल्ली हाइ कोर्ट में या सुप्रीम कोर्ट में जो हजारों रिट चल रही हैं उसमें जी. डी. ए. की तरफ से एक बयान दिया गया था कि हम नो प्रोफिट नो लास पर इन जमीनों को देंगे। मुझे कोई एतराज नहीं। किसान तो बेचारा बर्बाद हो ही रहा है, लेकिन जिन आदमियों को प्लाट दें कम से कम उनको तो बर्बादी से बचायें। किसान की मामूली कीमत पर जमीन लेकर इतनी ऊंची कीमत पर प्लाट दिए जाते हैं। कितना बड़ा अन्तर है? समाजवाद में यह कहते है कि आदमी की आमदनी में एक और दस से ज्यादा का अनतर नहीं होना चाहिए। तो फिर यह कौन सा समाजवाद है कि

[श्री वीरेन्द्र वर्मा]

हजार गुना मूल्य पर वह जमीनें बेचे । इसे बहुत कड़ाई के साथ माननीय मंत्री जी रोकने की कोशिश करेंगे ।

आखिर में माननीय उपसभापति महोदया, आपकी इजाजत से मैं एक और सुझाव देना चाहूंगा कि जब भी जमीनें एक्वायर होती हैं, ठीक है होंगी और ऐसा होना स्वाभाविक भी है लेकिन सब से पेश्तर बंजर जमीनों को लेना चाहिए । बंजर जमीन उपलब्ध न हो तो सूखी जमीन, असिंचित जमीन को लिया जाए । जो बड़े फार्मर्ज हैं छोटे कृषकों के मुकाबले में बड़े किसान की जमीन ली जाए । जिन किसानों की आय का साधन खेती के अलावा और कुछ नहीं है ऐसे आदमियों की जमीन को बचाया जाए और जिन आदमियों के खेती के अलावा दूसरे और कोई साधन हैं ऐसे आदिमियों की जमीन इस कार्य में ली जाए ।

मान्यवर मैंने आपका समय लिया इस आशा के साथ आपका समय लिया कि आप जितनी बातें मैंने कही हैं, जो सुझाव मैंने दिए है उन सुझावों पर गौर करेंगे और किसान के हित में उस अन्तर को, जो जमीन और आसमान का अन्तर है, जी. डी. ए. के जमीन देने में किसान की जमीन लेने में उसको समाप्त करेंगे । सूद का जबर्दस्त अन्तर है, उस सूद के अन्तर को भी दोनों में समाप्त करेंगे । किसान को 15 फीसदी जिस हिसाब पर उसको कर्जा मिलता है, चाहे शेड्यूल बैंक से मिले चाहे कमर्शियल बैंक से, चाहे गवर्नमेंट दे जिस रेट आफ् इन्टरेस्ट पर किसान को ऋण दिया जाता है उस रेट आफ् इन्टरेस्ट से कम किसी भी हालत में आप किसान की जमीन ले करके उससे कम सूद न दें । मुझे उम्मीद है कि माननीय मंत्री महोदय मेरे इन सुझावों पर विचार करेंगे ।

श्री उपसभापतिः : श्री एस० एन० देशमुख ।

SHRI SHANKARRAO NARAYANRAO DESHMUKH (Maharashtra): Mr. Deputy Chairman, Sir, I would like to support the Bill. At the same time, I would say that the land acquisition comes into operation when the lands are acquired for some purpose, as desired by the Government. Nowadays we are following agrarian reforms. If the land Acquisition Act comes into conflict with those reforms, it shall have to be taken note of. Sir, in the Statement of Objects of this Bill, a solemn assurance has been given that individual rights to property or interest will not be jeopardised. Therefore, Sir, I take it that this solemn affirmation will be kept for ever and this will not be a ficititious solemn affirmation. Therefore, I would like to submit that whatever amendments have been made in this Act they are really good. I will not take much of the time of the House over it. Then amendment has been made to section 6 and a new section 11A has been added. There are certain very good provisions regarding the solatium and the interest. All these things are desirable and very good. But there is one very good point in this and that is section 21A, which is a new section, which provides that if any of the claimants have gone to the court and if he has obtained a decree or an award that higher price be given to him then all other persons covering the same case or falling under the same notification can move the collector by reference or for reconsideration and they would be intitled to get more money or higher price. That is a nobel provision made.

But, apart from this, I would like to bring to the notice of the hon. Minister that the lands are generally taken for public purposes and the public purposes are defined in clause 3, sub-clauses (3), (4) and (5). In sub-clause (3) the public purpose is defined as under: The provision of land for planned development of land from public funds in pursuance of any scheme or policy of Government and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned. Now, Sir, thereafter the fourth one is

the provision of land for a corporation owned or controlled by the State and the fifth one is the provision of land for residential purposes to the poor or landless or to the persons residing in areas affected by natural calamity or the persons displaced or affected by reason of implementation of any scheme undertaken by Government, any local authority or a corporation owned or controlled by the State. So, these are the public purposes defined under the public purpose. Sir, for these purposes exactly the same intention is covered by the Urban Land Ceiling Act and for determining the price under this Act, it is stated that the market price would be given. That is very important. How the market price is to be determined is a different question from the circumstantial evidence, or from the adjoining prices of land or whatever it may be. And, the third thing is that if the urgency clause is applied, when the urgency clause is applied, outright you are to pay 80 per cent of the estimated price. That is also a good provision. But we have to see that when the farmer's lands, who are cultivating their own land in the vicinity of the towns, are taken away, whether they will be getting this benefit. To my mind, under the Urban Land Ceiling Act, where the land is made available, it is not the town only which is concerned. But the circumference from 1 kilometre to 8 kilometres of the town is concerned and in that circumference from 30 to 50 villages are concerned. That composition is there. And once the villages fall within the radius of urban agglomeration, the position is very clear. Under section 2 clause (O), Explanation (c) says: Notwithstanding anything contained in clause (b) of the Explanation, land shall not be deemed to be mainly used for the purpose of agriculture if the land has been specified in the Master Plan for a purpose other than agriculture. So, Sir, if in the agglomeration area, the land of a villager is shown as for residential purpose, industrial purpose or for any other purpose, then though the land is under actual use of the farmer for agriculture, the nature of the land is taken out by a stroke of the pen and that land will be declared as surplus land. And if the land is declared as surplus land, what is its fate? The farmer is entitled to get one bigha only according to its category. And what is the price that he will get? The price under section 11 of the Urban Land Ceiling Act in case of vacant land situated in an urban agglomeration area, is Rs. 10 per square metre, falling within category (a) and (b) and Rs. 5/- per sq. metre in case of vacant land situated in an urban agglomeration falling within category (c) and (d). That is the fate. Now, you see as to how will this price be paid. Sir, his fate is horrible, and miserable. He is at the mercy of the town-planners. When the land under Land Acquisition Act is acquired by applying urgency clause, you get 80 per cent outright. But here, the farmer gets 25 per cent of the amount or Rs. 25,000 whichever is less which is paid to him in cash. It is all right that he gets Rs. 25,000 in cash. But the balance he gets in negotiable bonds redeemable after expiry of 20 years. God alone knows whether the farmer will be alive to get this money or whether his children or grand children will be allowed to get it and whether succession certificates and other things will come in. This is the fate of the farmers falling within the agglomeration area.

Then, Sir, look to their future. They are not only losing their lands, they lose the avocation of life which they have been following generation after generation. Will anybody be able to buy anything for Rs. 25,000 that you give him? I submit to you, Sir, go and buy a pair of buffaloes; you will not be able to get it for Rs. 25,000.

The Land Acquisition Act is a Central Act and is applicable to the whole country. In the beginning, it was made applicable to certain places but now under section 1, it extends to whole of India. Section 42 of the Urban Land (Ceiling and Regulation) Act, 1976, says:

> "The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or any custom, usage or agreement or decree or order of a court, tribunal or other authority."

[Shri Shankarrao Narayanrao Deshmukh]

Completely fait accompli. He cannot do anything and this has an overriding effect. Therefore, my suggestion is that in the Land Acquisition Act there must be a provision that notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall have overriding effect whenever the lands are taken over under any other law. This difficulty was experienced in 1964 when agricultural reforms were contemplated. At that time the Constitution was amended. Article 31A, 31B and 31C deal with the agricultural provisions, but when this difficulty arose, they have inserted one proviso No. 2 to Article 31A which says:

"Provided further that where any law makes any provision for the acquisition by the State of any estate and where any land comprised therein is held by a person under his personal cultivation, it shall not be lawful for the State to acquire any portion of such land as is within the ceiling limit applicable to him under any law for the time being in force or any building or structure standing thereon or appurtenant thereto, unless the law relating to the acquisition of such land, building or structure, provides for payment of compensation at a rate which shall not be less than the market value thereof."

So, this proviso was added after the difficulty arose in 1964. As per this article a person will have to be paid market value for the land having been acquired from him. So, if the Government wishes to make charity, it should not be at the cost of the farmers. What I want to say is while framing this piece of legislation you have not taken into consideration the difficulties experienced by us in the villages. My suggestion is, as soon as the agglomeration area finishes even by one feet and the land is taken over under the Land Acquisition Act, he gets the market price. He should get all the benefits. The discrimination is not permitted under the Constitution.

In order to help the interest of the agriculturists, I submit that a provision may be made in the Land Acquisition Act that this Act shall have overriding effect over any laws for the time being in force. Otherwise, the agricultural land will finish away shortly not even in one province or in one State but throughout the country, from north to south and from east to west. Thousands of villagers are suffering. So, I suggest that this Land Acquisition Act should have the overriding effect. With that I conclude.

श्री जगदम्बी प्रसाद यादव (बिहार) : माननीय उपसभापति जी, मंत्री महोदया को परिवार कल्याण का काम करने के बाद यह विश्वास हो गया लगता है कि हमारे देश में परिवार सीमित हो गये हैं। अब उन्होंने ग्रामीण विकास काम शुरू किया है।

श्री उपसभापति : अच्छा काम कर रही हैं, इसके लिए आपको उनको बधाई देनी चाहिए।

श्री जगदम्बी प्रसाद यादव : बधाई तो देना चाहता हूं, लेकिन कुछ बातें भी याद दिलाना चाहता हूं। आपने ग्रामीण विकास का कार्य-भार लिया है, लेकिन ऐसा लगता है कि आप शहरों का विकास ज्यादा कर रही है। इस विधेयक को देखने से तो ऐसा ही लगता है कि शहरों के विकास में आपकी ज्यादा दिलचस्पी है। ग्राम भी शहरों की तरह से उन्नत हो, इस ओर कम ध्यान दिया जा रहा है। यह उसी तरह की बात है जसे आपने समझ लिया कि परिवार सीमित हो गये हैं, लेकिन वास्तव में हमारे देश में अभी परिवार सीमित नहीं हुए है। अब आप जमीन को सीमित करने जा रहे है। ग्रामीण विकास के मंत्री के लिए जमीन को सीमित करना ठीक नहीं है। आपको जमीन को बढ़ाना चाहिए, इस पर आपको विचार करना चाहिए।

उपसभापति जी, देश के विकास के कामों के लिए जमीन का अर्जन अवश्य किया जाता है। इसको हम चाहे या

न चाहे, नकार नहीं सकते हैं । लेकिन इस बात का ध्यान रखा जाना चाहिए कि अगर एक तरफ विकास हो तो दूसरी तरफ अवसान न हो जाय । जब सरकार जमीन का अर्जन करने जाती है तो कुछ बातों को ध्यान में रखा जाना बहुत आवश्यक है । प्रथम मैं क्षतिपूर्ति की बात को लेता हूं । विधान में क्षतिपूर्ति की व्यवस्था है और यद्यपि मंत्री जी ने उसका विश्लेषण करने का प्रयास किया है, लेकिन वास्तव में विश्लेषण हो नहीं पाया है । क्षतिपूर्ति का जो सुधार किया गया है वह छोटे किसानों और सीमांत किसानों के हक में नहीं जाता है । यह बात में इसलिए कह रहा हूं कि जमीन की दर उस दिन तय की जाती है जिस दिन नोटिफिकेशन निलकता है । उस दिन जमीन की दर तय नहीं की जाती है जिस दिन वह अधिगृहीत की जाती है । इसी लिए यह क्षतिपूर्ति की बात ठीक नहीं है । किसानों को क्षति पूर्ति उस दिन से दी जानी चाहिए जिस दिन उनकी जमीन अधिगृहीत की जाती है । ग्रामीण अंचलों की जमीन पर नजर आने लगी है । आप जानते है कि हमारे देश की अधिकांश आबादी गांवों में बसती है । हमारी राष्ट्रीय आय का 50 प्रतिशत से कुछ कम हिस्सा कृषि से आता है । देश में अभी भी जमीन का बहुत महत्व है । अपने देश में जमीन के प्रति लोग के आकर्षण में कोई कमी नहीं आई है । यही कारण है कि बहुत बड़े पैमाने पर छोटे-बड़े किसान, हरिजन, आदिवासी और वनवासी, सभी जमीन की मांग करते हैं और सरकार भी सब को जमीन देने की बात करती है । मैं बिहार का एक उदाहरण आपके सामने रखना चाहता हूं । आपने कहा कि एक वर्ष के अन्दर और अधिक से अधिक दो वर्ष के अन्दर किसानों को क्षतिपूर्ति मिल जाएगी । बिहार में एक संथाल परगना है । वहां पर वनवासी बसते हैं । उन लोगों ने बिहार की चार बड़ी सिंचाई योजनाओं को इसलिए नहीं बनने दिया कि इसमें उनकी जमीन ले ली जाती है और क्षतिपूर्ति समय पर नहीं मिलती है । उन सीधे-साधे लोगों ने पहले अपनी जमीन भी दी, लेकिन उनको कुछ नहीं मिला । इसलिए वे अब इन सिंचाई योजनाओं का विरोध कर रहे हैं । इन कानूनों का फायदा कौन उठता है ? छोटे और सीमांत किसान इन कानूनों का फायदा नहीं उठा पाते हैं । इन कानूनों का फायदा बड़े किसान उठाते हैं । इसलिए मैं यह कहना चाहता हूं कि इस विधेयक में आपने छोटे किसानों और सीमान्त किसानों के लिए कोई प्रोविजन नहीं किया है । जो छोटे और सीमान्त किसान हैं उनकी आजीविका का साधन सिर्फ जमीन होती है । बिहार में यह प्रावधान किया गया था कि जिस छोटे किसान के पास डेढ़ या दो एकड़ जमीन है उसकी जमीन अर्जित नहीं की जाएगी । आपने इस कानून में इस प्रकार का कोई प्रावधान नहीं किया है और न ही इस प्रकार का प्रावधान किया है कि जो उपजाऊ जमीन है, अन्न उपजाती है या सबजी उगाने के काम आती है, शहरों की बगल में है, जहां पर सब्जी उगाई जाती है, उस जमीन को सरक्षण देने की कोई बात इस बिल में नहीं कही गई है । इस प्रकार की जमीन दिल्ली और पटना जैसे शहरों के आस-पास है । उस जमीन का संरक्षण देने की बात यहां पर कुछ नहीं की गई है । इसीलिये मैं आपका ध्यान इस ओर दिलाना चाहता हूं । सरकार ने जमीन का जो कीमत रखी है, उसके लिये शायद हमारी मंत्री महोदया को इधर उधर जाने की जरूरत नहीं है, दिल्ली

[श्री जगदम्बी प्रसाद यादव]

में डी०डी०ए० ने किसानों की जो जमीनें ली हैं वह एक बड़ी दर्दनाक स्थिति है। डी०डी०ए० किसानों से 4 रुपया 5 रुपया गज जमीन ले लेता है और उसी जमीन को 150 रुपया, 200 रुपया गज पर बेच देते हैं। कोई पूछने वाला नहीं। इस तरह से किसानों की लूट होती है। एक किसान बता रहा था कि उसकी 10 एकड़ जमीन में से 9 एकड़ जमीन ले ली लेकिन एक एकड़ जमीन उसे रहने दी। 9 एकड़ जमीन में प्लाट बनाये जायेंगे और उनको बेच दिया जायेगा लेकिन एक एकड़ वह खुद अपने लिये रखना चाहता था। उसका कहना था कि 10 एकड़ का जितना सरकार देगी वह उसे मिल जायेगा लेकिन अपनी जीविका के लिये यह प्राप्त करना जरूरी है। इसलिये यह जो तफरका, यह फर्क और अंतर जो है इसको कैसे पाटा जाय। अगर हम इसको नहीं पाटते हैं तो हम कैसे कहेंगे कि यह कानून हम किसानों के हक में ला रहे हैं। ग्रामीण विकास मंत्री यहां पर हैं। इसलिये मैं आपको जोरदार शब्दों में कहना चाहता हूं, इस बात का जिक्र करना चाहता हूं कि आप जरा इस बात पर ध्यान दें,

दूसरी बात जो मैं कहना चाहता हूं वह यह है कि जमीन की क्षतिपूर्ति पैसा कभी नहीं हो सकता। इसलिये कि जमीन उसकी जीविका है। जीविका की क्षतिपूर्ति कुछ नहीं हो सकता। अगर पैसा आप दे भी दें तो भी वह इसे खाने के बाद सड़कों पर इधर उधर ठोकरें खायेगा। किसानों की जमीन की अगर क्षतिपूर्ति हो सकती है तो पहली यह हो सकती है कि उसकी जिस तरह की उपजाऊ जमीन है, उसी तरह की जमीन उसको दे दी जाय। अगर यह संभव न हो तो दूसरी जमीन उसको जीविका के लिये दी जाय। हमारे माननीय सदस्य इस बात को यहां पर उठाते है कि उनके लड़के-बच्चे कैसे यहां नौकर हैं। श्रीमन्, जमीन जो है वह केवल एक आदमी को नौकरी नहीं देती है बल्कि जमीन जो है वह समस्त परिवार को नौकरी देती है। एक आदमी अगर नौकरी करता है तो उस परिवार में उसका भरण-पोषण हो जायेगा। लेकिन उसके परिवार के अन्य सदस्यों उसके मा-बाप-भाई-बहन उनका क्या होगा? इसलिये सिर्फ नौकरी जमीन की क्षतिपूर्ति नहीं है। क्षतिपूर्ति यह है कि किसान को कृषि भूमि के रूप में, जो कि उसका उद्योग है, धंधा है, सब कुछ है वह बदले में दिया जाय। मैं आपके सामने एक उदाहरण पेश करना चाहता हूं। यह आप जो जमीन लेने की योजना बना रहे है कि यह जमीन हम लेंगे इस उद्योग के लिये, इस परियोजना के लिये, तो मैं जानना चाहता हूं कि क्या उस योजना के साथ ही आप ऐसी रचना नहीं कर सकते कि इस योजना के भीतर जो जमीन आयेगी, जिन लोगों की, जिन गांवों की जमीन इसके अन्तर्गत आयेगी, उनके भी हम एक योजना बनाकर उनका पुनर्वास करेंगे। मैं समझता हूं कि अगर सरकारी नौकरशाह इस योजना को नहीं बनाते और इसको बनाते समय किसी किसान के प्रतिनिधि को साथ ले लेते, साथ बिठा लेते तो वह आपको यह सलाह जरूर देता माननीय मंत्री महोदया कि जिस तरह से आप यह योजना बना रहे हैं, देश के विकास के लिये, उद्योगों के विकास के लिये, तो इससे जो किसान है वह उजड़ेंगे, या ग्राम उजड़ेंगे। वह आपको सुझाव देता

कि उनके लिये भी आप पुनर्वास योजना बनायें । आप कभी कभी जमीन उद्योगपतियों को जमीदार के रूप में दे देते हैं । जमशेदपुर में जो जमीन है, हजारों एकड़ जमीन पर वहां कब्जा किया हुआ है । जो आप जमीन अलाट करते हैं, जमीदार चले गये, लेकिन अब उद्योगपति जमीदार हो गये है । आश्चर्य तो इस बात का है कि जो शहर बसाया है वह सारा नगर उनका है और केन्द्रीय सरकार का उस पर कोई अधिकार नहीं है जहां कि उनके इस तरह के नगर हैं । आप ऐसे उद्योगपतियों को किसानों की जमीन भी देंगे, उनको वहां का स्वामित्व भी देंगे और किसानों को उजाड़ देंगे तो इससे आप किसानों का भला कैसे कर सकते है । मैं जानता हूं कि हमारे कहने के बावजूद भी आप अपने बहुमत से इसको पास करवा देंगे । लेकिन मैं कहना चाहता हूं कि आप इससे उनके आंखों से जो आंसू गिरते है उनको देखने की कोशिश करें, उनके चेहरे पर जो परेशानी झलकती है उसको देखने की कोशिश करें । किसान जो हैं वह लड़कर आपसे कोई चीज प्राप्त नहीं कर सकता । वह सिर्फ निवेदन कर सकता है । इसलिये मैं चाहता हूं कि आप जब ऐसे काम को देखें तो इसका भी हिसाब लगा लें कि कैसे उनके लिये पुनर्वास योजना बन सकती है । इसके साथ ही हमारे अनेक मित्रों ने कहा है कि उद्योग खोल रहे हैं और सिर्फ उद्योग ही नहीं खोल रहे हैं बल्कि उनकी बगल में शहर भी बसते हैं । दुकानें बनती हैं, कुछ दूसरे ऐसे छोटे मोटे उद्योग खड़े होते है । उस कारखाने में नौकरी ही नहीं बल्कि अगर प्लाट अलाट होता है दुकानें अलाट होती है या कुछ ऐसी चीजें अलाट होती हैं तो हम उसको वरीयता देने की बात क्यों नहीं करें? अगर बिल में प्रोविजन कर दें या आप अपने वक्तव्य में इसका उल्लेख कर दें जहां ऐसी बातें होंगी उस में इस बात को भी वरीयता दी जाएगी तो मैं समझता हूं कि शायद किसान जरूर आपका गुणगान करेंगे कि कम से कम हमारी ग्रामीण विकास मंत्री जो हैं जिन्होंने परिवार कल्याण को देखा है पहचाना है उन्होंने हमारा और हमारे परिवार का खयाल रखा है ।

कानून जो बनता है और यह कानून छोटा नहीं है यह बहुत विशाल है । इसमें कई दफा हैं । अब जैसे अधिसूचना की बात की गई है दफा 4 में अधिसूचना होगी भिन्न भिन्न प्रकार से और अंत में कलेक्टर एक अच्छी जगह में जा कर सूचित कर देगा लेकिन मैं जानता हूं कि कलेक्ट्रेट की फाइल में लिखा रह जाता है कि सूचना हमने प्रसारित कर दी किसान तक नहीं पहुंचती है । क्या मैं यह सुझाव दे सकता हूं कि जिनकी जमीन उस परियोजना में ली जाएगी उन्हें डायरेक्ट इसकी सूचना क्यों न दी जाए कि यह बन रहा है जिसके लिए हम आपकी जमीन ले रहे है उनको सूचना का सही ज्ञान होगा और सही कार्यवाही यदि वे चाहेंगे तो कर सकेंगे । हमारे कई मित्रों ने कहा कि गरीब किसान मुकदमा लड़ कर अधिक पैसा प्राप्त नहीं कर सकता है । क्योंकि वह यदि मुकदमा लड़ना चाहे यह कहना चाहे कि उसे उचित क्षतिपूर्ति नहीं मिली उसके पास साधन नहीं है पैसा नहीं है । आप ने जैसे हरिजन, बनवासियों के लिए वकीलों की व्यवस्था

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की है हालांकि वह भी पर्याप्त नहीं है और वह उसको प्राप्त नहीं कर सकते हैं, ठीक से उसका मुकदमा नहीं चल सकता है पैरवी नहीं कर पाते हैं लेकिन क्या आप यहां भी कुछ उसी प्रकार से व्यवस्था कर सकते हैं? चाहे विधान में हो चाहे उसको रूल कर के करें चाहे उसमें कोई प्रोविजो शामिल कर के करें जिससे वह इस बात का लाभ ले सके और ज्यादा क्षतिपूर्ति प्राप्त करने के लिए सरकार के साथ मुकदमा लड़ सके। एक बात मैं कहना चाहता हूं खास कर के गरीब किसान की आजीविका का साधन यही जमीन ही है। वह जमीन यदि कलेक्टर लेना चाहे तो क्या ऐसी हिदायत दे सकते हैं कि कम से कम दो-चार बार वह सोच ले कि इस जमीन को छोड़ कर के क्या इस परियोजना का काम चल सकता है। अगर कलेक्टर विचार कर ले कि यह जमीन छोड़ कर काम चल सकता है क्योंकि यह गरीब है और यही इस की जीविका है यह उजड़ जाएगा तो क्या होगा, मैं समझता हूं अगर इस दृष्टिकोण से विचार किया जाए तो ठीक होगा। इसी संदर्भ में मैं एक बात और कहना चाहता हूं। जैसे बिहार का उदाहरण मैं दिया करता हूं कि वहां का रिकार्डज आफ राइट का जो रजिस्टर-2 है वह आज तक आप-टू-डेट नहीं हुआ है। दादा की जमीन जो है वह आज भी उसके नाम से है जबकि वह जमीन उसके पोतों में एक-एक दो-दो चार-चार एकड़ हो कर के बंट गई है। जब वे लोग क्षति पूर्ति लेने के लिए जाते हैं तो उनके सामने अनेक समस्याएं खड़ी हो जाती हैं कि किस प्रकार क्षतिपूर्ति लेंगे। इसका सुधार आप बता दें यह जमीन ली जाएगी, उसके कितने हिस्से है, उसका हर एक के नाम से क्षतिपूर्ति का कागज बन जाए तो सुविधा होगी। यह 4-6 जो दफा हैं उनको देख ले कि सचमुच में एक वर्ष के भीतर मिल सकता है या नहीं मिलेगा। फिर आपने तोषण का कहा है कि 15 से 30 प्रतिशत किया जाएगा मैं समझता हूं कि इसको अगर 100 परसेंट भी करेंगे तब भी वह तोषण का रुपया उसको पर्याप्त नहीं होगा इसलिए कि जमीन का दाम अनाप-शनाप बढ़ता है। अगर आज दो हजार रुपये प्रति एकड़ है तो कल पांच या आठ हजार रुपये प्रति एकड़ हो जाएगा जैसे ही उसको अधिग्रहण करेंगे, शहर बसने का काम होगा वैसे ही जमीन का दाम आसमान को छू लेता है इसलिए 15 से 30 प्रतिशत तोषण होना ठीक नहीं बैठेगा। इसलिए जरूर आप विचार कर के देखें कि 50 से 100 प्रतिशत किया जा सकता है क्या? सूद भी आपने 9 प्रतिशत 10 प्रतिशत रखा है वह भी शायद उचित नहीं है। गवर्नमेंट सेक्योरिटीज में या इन्टरप्राइजेज में जो लगाता है उसको भी 18-19 प्रतिशत सूद मिलता है तो क्यों नहीं उनके लिए भी इस तरह की व्यवस्था की जा सकती है। मैं अंत में कुछ बातों में अपने सुझाव देते हुए अपनी बात को रखना चाहूंगा। माननीया मंत्री जी जब इस विधेयक को पास कर ही रही हैं तो मैं कुछ बातों की ओर उनका ध्यान आकर्षित करना चाहता हूं। जैसे ही कोई प्रयोजना बने, उस प्रयोजना के साथ पुनर्वास की व्यवस्था के लिए भी कोई योजना निश्चयपूर्वक बन जाये। जब तक उसकी व्यवस्था नहीं होती है तब तक मैं समझता हूं कि आपका यह कानून ठीक-ठीक नहीं बैठेगा। दूसरा यह कि जमीन के मुआवजे के रूप में जमीन देने की भरसक कोशिश हो चाहे अच्छी जमीन हो, उसी तरह की हो या दूसरी तरह की हो। तीसरी बात मैं कहना चाहता हूं, जो इसमें नहीं है और वह है कि कोई अपंग है, अंधा है, लूला है, लंगड़ा है जिसके जीवन का वही

सहारा है, कोई हरिजन है, बनवासी है उसके जीवन का वही सहारा है तो उसके लिए कोई व्यवस्था होनी चाहिए जो कि इसमें नहीं है । चौथी बात, जो बड़ी जमीन है उस पर बटाईदार भी होते हैं इस भूमि अर्जन में उनका कहीं कोई जिक्र नहीं है । जब वह स्थान अर्जित हो जाएगा तो उसका क्या होगा । यह कल्याणकारी राज्य है, जनतंत्र का जमाना है हमने उनके लिए कानून बनाये हैं लेकिन इस कानून के अंदर इन सब जगहों पर उसका नाम नहीं आता है, तो उनका क्या होगा ?

पांचवी बात यह है कि हमने जमीन वालों की बात तो की है लेकिन गांव का अनुमान आपको है ही कि गांव में केवल जमीन वाले ही नहीं रहते हैं बल्कि कुम्हार, बढ़ई, लोहार आदि भी रहते हैं, ये सब बिना जमीन वाले हैं लेकिन गांव में जो उपज होती है उसमें इनका भी शेयर होता है और उसके आधार पर इनका काम होता है । गांव उजड़ेंगे तो किसानों की व्यवस्था करेंगे लेकिन इनकी व्यवस्था कैसे करेंगे । इसलिए मैं कहना चाहता हूं कि यहां पर कहीं न कहीं पर अगर उनके पुनर्वास की बात आप कर ले तो मैं समझता हूं कि कुछ काम की बात होगी ।

क्या मैं एक सुझाव आपको दे सकता हूं । इन सारी समस्याओं के हल के लिए एक बड़ा सीधा सरल तरीका हो सकता है कि भूमि अर्जन के समय आप एक समिति बना दें जिसमें सरकार के भी प्रतिनिधि रहें और किसानों के भी प्रतिनिधि रहें । इसलिए कि जमीन के बारे में वे बता सकेंगे, क्षतिपूर्ति के बारे में बता सकेंगे, अपने पुनर्वास की कहानी भी कह सकेंगे और क्षतिपूर्ति लेने में भी उनको सुविधा होगी । अगर आप मेरी एक छोटी सी सलाह मान लें और इसको एक अहम भूमिका मानकर इसकी व्यवस्था कर सकें तो मैं समझता हूं कि किसानों का दुखदर्द इससे दूर होगा ।

मैं माननीया मंत्री जी से फिर से निवेदन करना चाहूंगा कि वे परिवार कल्याण मंत्री रही हैं अब ग्रामीण विकास मंत्री हैं, वे परिवार का कल्याण करने के लिए ग्रामीण विकास के इस विधेयक में भी अपनी बात प्रस्तुत करें जिससे हम सब आपका इस बात के लिए आभार मान सकें । अन्यथा जैसा लोगों ने कहा है कि हम आपके इस बिल का विरोध करते हैं, मैं भी इसलिए विरोध करता हूं कि जमीन का कम्पेनसेशन उनको नहीं मिलेगा । जैसे शांती पटेल जी ने कहा कि जमीन दो हजार रुपये बीघे की लिखी जाती है लेकिन वास्तव में वह दस हजार की बिकती है तो इसको आप कैसे कम्पेनसेट करेंगे । सेल डीड भी वह उपस्थित करेगा । तो सेल डीड भी टेक्सेशन से बचने के लिए लोग उसका दाम कम देते हैं । आज उद्योगपति भी जमीन खरीद रहे हैं इसलिए कि जमीन के नीचे बहुत से धन छिपाने के, इन्कम टैक्स छिपाने के रास्ते हैं और उस रास्ते से वह ज्यादा से ज्यादा जमीन ब्लैक दे करके खरीदता है, लिखाता है कम । तो इस तरह की जो क्षतिपूर्ति है उससे किसान तो उजड़ता जायेगा । इसलिए मैं आपसे बार-बार अपील कर रहा हूं कि मैंने आपको जिस तरह से परिवार कल्याण मंत्री के रूप में देखा है उसी तरह से ग्रामीण विकास मंत्री के रूप में देखना चाहता हूं और चाहता हूं कि आपकी वाणी से आपके काम से कुछ ग्रामीण विकास हो, कल्याण हो । यह न हो कि कल कहें कि आपने

[श्री जगदम्बा प्रसाद यादव]

ग्रामीण विकास को उजाड़ने के लिए यह विधेयक लाया उनको बसाने का कोई उपाय नहीं किया । इन्हीं शब्दों के साथ मैं समाप्त करता हूं ।

MR. DEPUTY CHAIRMAN: The debate will continue tomorrow.

MESSAGES FROM THE LOK SABHA

I. The Family Courts Bill, 1984.

II. The Copyright (Amendment) Bill, 1984

III. The Wakf (Amendment) Bill, 1984

SECRETARY-GENERAL: Sir, I beg to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:—

(I)

"In accordance with the provisions of Rule 120 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 27th August, 1984, agreed without any amendment to the Family Courts Bill, 1984, which was passed by Rajya Sabha at its sitting held on the 23rd August, 1984."

(II)

"In accordance with the provisions of Rule 120 of the Rules of procedure and Conduct of Business in Lok Sabha, I am directed to inform you that Lok Sabha, at its sitting held on the 27th August, 1984, agreed without any amendment to the Copyright (Amendment) Bill, 1984, which was passed by Rajya Sabha at its sitting held on the 23rd August, 1984."

(III)

6.00 P.M.

"I am directed to inform you that the Wakf (Amendment) Bill, 1984, which was passed by Rajya Sabha at its sitting held on the 23rd July, 1984, has been passed by Lok Sabha at its sitting held on the 27th August, 1984 with the enclosed amendments.

2. I am, therefore, to return herewith the said Bill in accordance with the provisions of Rule 121 of the Rules of Procedure and Conduct of Business in Lok Sabha with the request that the concurrence of Rajya Sabha in the said amendments be communicated to Lok Sabha."

AMENDMENTS

Clause 6

1. Page 4,—

after line 1, *insert*—

"(a) in sub-section (1), the following *Explanation* shall be inserted at the end, namely,:—

'Explanation:—For the purposes of this section and section 6A, the expression "any person interested therein", occurring in sub-section (1) of this section and in sub-section (1) of section 6A, shall, in relation to any property specified as wakf property in a list of wakfs published, under sub-section (2) of section 5, after the commencement of the Wakf (Amendment) Act, 1984, shall include also every person who, though not interested in the wakf concerened, is interested in such property and to whom a reasonable opportunity had been afforeded to represent his case by notice served on him in that behalf during the course of the relevent inquiry under section 4.'."

Clause 6

2. Page 4, line 2,—

for "(A)" *substitute* "(b)'

Clause 6

3. Page 4, line 4,—

for "(b)" *substitute* "**(c)**'